Ziegler Calls Charge 'Political'

Muskie Says FBI Spied on Earth Day

4/15/71

By Spencer Rich
Washington Post Staff Writer

Sen. Edmund S. Muskie (D-Maine) accused the FBI yesterday of spying on 40 to 60 "Earth Day" conservation rallies all over the nation last April 22.

Calling the FBI activity a "fishing expedition" and "general political surveillance" for which no constitutional or legal authority exists, Muskie released copies of what he described as an internal FBI report on the Earth Day rally held here at which he himself was a speaker. He said he had obtained the document about two weeks ago and had no doubt of its authenticity.

SEN. EDMUND MUSKIE
. . . "threat to freedom"

Muskie said the FBI surveillance of innocent activity by conservationists represented "a threat to our privacy and freedom" and a "monumental waste of the taxpayer's money and of the valuable time of trained FBI agents."

The FBI and Justice Department had no comment, but White House Press Secretary Ronald L. Ziegler suggested that Muskie's charges were "political statements which may have been made for the purpose of getting a headline." Ziegler said, "The President's attitude is that snooping or surveillance of private citizens is quite repugnant to this administration."

Ziegler said the administration had no policy of snooping on Earth Day, which the White House supported.

See MUSKIE, A8, Col. 5

Muskie Says FBI Spied on Earth Day

MUSKIE, From A1

He said that if the FBI did spy; it was contrary to administration policy. But he said it was normal for the FBI to "observe individuals with records that relate to criminal violence where they attend an event."

Muskie, who is widely regarded as the front-runner for the 1972 Democraitc presidential nomination, said the document he received "raises far-reaching questions over the present surveillance activities of the FBI. He went on:

"If there was widespread surveillance of Earth Day last year, is there any political activity in the country which the FBI doesn't consider a legitimate subject for watching? If anti-pollution rallies are a subject of intelligence concern, is anything immune? Is there any citizen involved in politics who is not a potential subject for an FBI dossier?"

He continued, in a Senate speech, "What possible legitimate use could this report serve? . . . What is a more proper or protected activity for an American than a rally to bring to the attention of our government a concern for a cleaner environment?"

"I know that at least one other member of this body, and probably others, had some of their speeches and participation in Earth Day rallies subject to surveillance," said Muskie. He declined to identify the other senator, but it was widely believed to be Gaylord Nelson (D-Wis.), an originator of the Earth Day concept. Nelson spoke at 19 rallies between April 4 and April 24 last year in connection with Earth Day.

Nelson could not be reached directly, but his office issued a statement saying, "I was shocked to learn that the FBI felt it necessary to spy on the literally tens of millions of Americans who were involved in Earth Day activities all across the country last year."

Nelson said last year's Earth Day celebrations had been praised by such administration figures as Russell Train, chairman of the President's Council on Environmental Quality, and James Allen, Jr., then Commissioner of Education. At least 150 members of Congress and 100 representatives of the Nixon administration had participated in the Earth Day rallies, Nelson said.

According to news accounts at the time, Earth Day speakers at various places last year included such GOP stalwarts as Transportation Secretary John A. Volpe, Interior Secretary Walter J. Hickel, Navy Secretary John H. Chaffee, and Sens. James B. Pearson (Kan), Hugh Scott (Pa.), John Tower (Texas), Robert W. Packwood (Ore.) and Clifford P. Case (N.J.).

The President himself sent word through a press aide that he "feels the activities show the concern of people of all walks of life over the dangers to our environmnt."

Both Muskie and Nelson said the FBI activity suggested that the nation could not depend on "self-restraint" by government agencies to prevent abuses in surveillance of citizen activities.

Muskie proposed creation of a Domestic Intelligence Review Board, responsible both to the President and Congress, to supervise every kind of government surveillance.

The Maine Senator's slashing criticism came at a time when the FBI's surveillance activities were already under severe questioning from the Senate Constitutional Rights Subcommittee, headed by Sen. Sam J. Ervin Jr. (D-N.C.). It has been trying—so far unsuccessfully—to obtain memoranda showing what standards the FBI uses in deciding whom to spy on. The FBI also has been attacked by House Majority Leader Hale Boggs (D-La.), who accused it of listening in on congressional phone conversations.

Adverting to these charges, Muskie said he hasn't any way of knowing whether the FBI taps the phones of congressmen, but "I find myself thinking twice before saying certain things on the phone."

The document put into the record by Muskie was identified as a June 10, 1970, internal memorandum, bearing the Justice Department-FBI seal and written on Justice Department stationery, describing the April 22 Earth Day rally at the Washington Monument. It included the comment that Muskie, shortly after 8 p.m., "arrived and gave a short anti-pollution speech."